

Canon Law Services, LLC  
7251 W. Lake Mead Blvd., Suite 300  
Las Vegas, Nevada 89128  
(702) 562-4144

**ROBERT J. FLUMMERFELT, ESQ.**  
**Nevada Bar #11122**  
**CANON LAW SERVICES, LLC**  
CanonLawServices@Gmail.com  
7251 W. Lake Mead Blvd., Suite 300  
Las Vegas, Nevada 89128  
Telephone: (702) 562-4144  
Facsimile (702) 866-9868

*Attorney for Plaintiff Andrea Gale*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANDREA B. GALE, an individual, and as  
Trustee of Andrea Beryl Gale Revocable Living  
Trust,

Plaintiff,

v.

CITIMORTGAGE, INC.; NATIONSTAR  
MORTGAGE, LLC; CAL-WESTERN  
RECONVEYANCE CORPORATION;  
QUALITY LOAN SERVICE as trustee, and  
DOES 1 through 10, and ROE  
CORPORATIONS 1 through 10, inclusive,

Defendants.

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,

Indispensable Party.

CASE NO. 2:12-cv-02065-GMN-VCF

**MOTION FOR EXONERATION AND  
DISCHARGE OF BOND**

**AND ORDER**

COMES NOW, ANDREA B. GALE (“Plaintiff”), by and through her attorney of record,  
Robert J. Flummerfelt, Esq., hereby submits this motion for exoneration and discharge of bond,  
based on the Memorandum of Point and Authorities, the Affidavit of Andrea B. Gale, all papers  
on file herein, and any oral argument the court may entertain at a hearing on the matter.

**AFFIDAVIT OF ANDREA B. GALE IN SUPPORT OF MOTION FOR  
EXONERATION AND DISCHARGE OF BOND**

STATE OF NEVADA            )  
  )ss:  
COUNTY OF CLARK        )

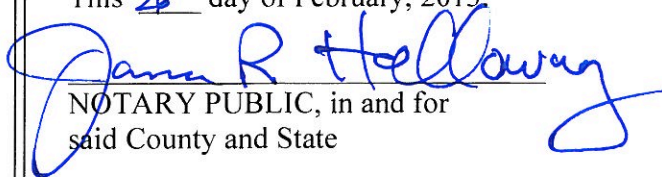
ANDREA B. GALE, being first duly sworn, deposes and says:

1. I am the Plaintiff in the present action.
2. I am over the age of 18 years old and have personal knowledge of the facts herein and competent to testify thereto.
3. On November 26, 2012, I complied with the conditions of the Temporary Restraining Order by posting a cash bond in the amount of Two Thousand Dollars (\$2,000.00) with the Clerk of the District Court, Clark County, Nevada.
4. On January 11, 2013, this honorable Court denied my motion for preliminary injunction, and the Temporary Restraining Order expired.
5. On or about January 18, 2013, Fannie Mae completed their eviction and I was locked out of the subject property, and Fannie Mae has remained in possession of the property ever since.
6. I currently have no permanent residence, and have urgent need of the funds from the bond to establish a new place to live.

FURTHER AFFIANT SAYETH NAUGHT.

  
ANDREA B. GALE

Subscribed and Sworn to before me  
This 26 day of February, 2013.

  
NOTARY PUBLIC, in and for  
said County and State



**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BACKGROUND**

This action was originally filed in the District Court of Clark County, Nevada, on October 18, 2012. On December 4, 2012, Defendant Quality Loan Service Corp removed this action to this U.S. District Court. However, just prior to the removal, Plaintiff filed a motion for injunctive relief from the state court, to enjoin Federal National Mortgage Association ("Fannie Mae") from evicting Plaintiff from her home. On November 26, 2012, the court issued a Temporary Restraining Order ("TRO") to maintain the status quo until a hearing on Plaintiff's motion for preliminary injunction could be held. (See, TRO, Ex.1). The court set the bond for the TRO in the amount of \$2,000.00. On November 26, 2012, Plaintiff posted the bond for \$2,000.00 dollars, with the Clerk of the District Court, Clark County, Nevada. (See, Bond Receipt, Ex. 2).

On December 28, 2012, this Court held the hearing on Plaintiff's motion for preliminary injunction, and on January 11, 2013, the Court entered an order denying Plaintiff's motion for preliminary injunction, and the TRO expired. On or about January 18, 2013, Fannie Mae evicted Plaintiff from the property and is now in possession of the property.

**II. ARGUMENT**

**A. THE BOND SHOULD BE EXONERATED BECAUSE ALL CONDITIONS FOR THE BOND HAVE BEEN SATISFIED AND ARE NOW MOOT**

Since January 11, 2013, the TRO has expired, the preliminary injunction was denied, and Fannie Mae has taken possession of the property. Since all grounds for the posting of the bond are now moot, the bond should be exonerated and discharged back to Plaintiff as soon as practicable. Plaintiff is currently without a permanent home and is in need of the bond money to secure a new residence.

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**CONCLUSION**

Based on the above, Plaintiff respectfully requests this Court enter an order directing the Clerk of the District Court, Clark County, Nevada, to release the bond and return the sum of \$2,000.00 to Plaintiff.

Dated this 3rd day of March, 2013.

/s/ Robert Flummerfelt

**ROBERT J. FLUMMERFELT, ESQ.**

Nevada Bar No. 11122

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*Attorney for Plaintiff*

**ORDER**

The Court having read the foregoing Motion for Exoneration and Discharge of Bond, and the Affidavit of Andrea B. Gale, and the Memorandum of Points and Authorities in Support of the Motion, and good cause appearing therefore, hereby orders as follows:

**IT IS HEREBY ORDERED** that the bond posted by Andrea B. Gale on November 26, 2012 (Receipt No. 2012-144958-CCCLK) in the amount of TWO THOUSAND DOLLARS be released and the monies returned to ANDREA B. GALE, forthwith, by the Clerk of the Eighth Judicial District Court for Clark County, Nevada in Case No. A-12-670503-C.

**DATED** this 26th day of March, 2013.


  
\_\_\_\_\_  
Gloria M. Navarro  
United States District Judge

EXHIBIT “1”

EXHIBIT “1”

A-12-670503-C

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Title to Property</b>	<b>COURT MINUTES</b>	<b>November 26, 2012</b>
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A-12-670503-C	Andrea Gale, Plaintiff(s) vs. Citimortgage Inc, Defendant(s)
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<b>November 26, 2012</b>	<b>Chambers</b>	<b>Minute Order</b>	<b>Minute Order Re: Temporary Restraining Order</b>
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HEARD BY: Israel, Ronald J.

COURTROOM:

COURT CLERK: Kathy Klein

PARTIES none  
PRESENT:

**JOURNAL ENTRIES**

- Upon Court's review of the papers and pleadings in this matter of the Temporary Restraining Order (TRO); COURT ORDERED, Motion for TRO, GRANTED, With a BOND of \$2,000.00. Matter to be set by Master Calendar for a Preliminary Injunction Hearing.

EXHIBIT “2”

EXHIBIT “2”

Payor  
Gale, Andrea B.

Receipt No.  
**2012-144958-CCCLK**

Transaction Date  
11/26/2012

Description	Amount Paid
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On Behalf Of Gale, Andrea B.  
A-12-670503-C  
Andrea Gale, Plaintiff(s) vs. Citimortgage Inc, Defendant(s)  
TEMPORARY RESTRAINING ORDER  
TEMPORARY RESTRAINING ORDER  
**SUBTOTAL**

2,000.00  
2,000.00

**PAYMENT TOTAL** **2,000.00**

Money Order (Ref #300041625) Tendered	1,000.00
Cash Tendered	1,000.00
Total Tendered	2,000.00
Change	0.00

251 S Green Valley Pkwy #714, Henderson, NV 89014

11/26/2012  
01:51 PM

Cashier  
Station AIKO

Audit  
30253881

**REPRINTED RECEIPT**

A-12-670503-C  
TRCT  
Trust Receipt  
2027266

